position in the scheme of things by indicating its origin, meaning and kindred facts. "The analysis of concepts should be a way and means to the work of co-ordination and synthesis, which is the final goal of science and of philosophy."

Properly to understand the concept of an object one must understand its "essence", for "formal" is used in the philosophic sense of "essential", and not in the popular meaning of "artificial", "non-essential". A concept is neither the ideal of the object, as the Idealists would have us believe, nor is it the aggregate of the empirical phenomena or facts accompanying the object, as the Positivists treat it. It is in reality the medium or "point of cleavage" between these views. And it is as incorrect and fallacious to make the ideal or speculative character of law its basis or concept as it is to base the concept on its factual or empirical nature.

Although the aggregate of individual experiences equals the general, it does not, as the Positivist claims, serve as the universal; for the generalization of a number of positive laws does not equal a universal or objective concept. The true concept—the true universal—is something beyond experience,—entirely independent and in no way conditioned upon experience. In fact, it was in existence prior to experience and made it possible. "Juridical thought is anterior to its concrete realization in law."

With this explanation of the concept, one must view positive law as a natural phenomena and adopt the attitude of the naturalist, giving full and impartial consideration to all institutions and treating all such institutions as human phenomena which compose a part of the universal. To adopt any particular object as the prototype of others or, on the other hand, to treat it as meaningless and immaterial in the scheme of the universe is, in either case, contrary to the proper attitude.

Del Vecchio, therefore, delivers a practical message in these essays,—that law is not coercion, as Von Ihering states, nor is it merely a growth, but that it is rather "right reason, existing in the nature of man himself".

Digressions in which Del Vecchio discusses the history of philosophy and the various controversial schools are frequent, some of the explanations being, however, unfortunately too brief to be satisfactory for the reader who lacks special knowledge of the subject. Copious notes and quotations accompany the arguments of the author—many of which are very complicated and difficult to follow. In fact, although the volume is a great work of this modern Italian philosopher, it is not a work which the average reader will be able to understand and which will, therefore, satisfy the purposes of the committee as outlined in its preface. For this reason the translator's constant use of the technical philosophical terms is to be regretted, especially since, in all other respects, the translation is excellent.

N. I. S. G.

GOOD WILL, TRADE-MARKS AND UNFAIR TRADING. By Edward S. Rogers, of the Chicago Bar. Pp. 288. Chicago: A. W. Shaw Company, 1915.

With the growth of national advertising and the resulting wide distribution of standard brands, the problem of identifying one's product has become a very important one to the large manufacturers. Closely linked with the problem of identification is the means of protecting the producer's trade-mark from the attacks of infringers and business parasites who are seeking to profit on another's good will. Mr. Rogers' book is the result of a careful study of the many questions involved in the solution of these problems. It contains an interesting discussion of the elements of good will and the means of protecting that elusive, though valuable, business asset from the attacks of trade pirates. The subject of trade-marks is treated in a thorough manner, and a large part of the book is taken up with this branch of the subject because, in the words of the author, "a trade-mark is nothing but visualized good will".

Not many years ago locality was the principal consideration in all questions of good will. Most of the early cases on restraints of trade are merely interpretations of contracts limiting the time or locality within which a vendor of a business covenanted not to compete with his vendee. And the present test of reasonableness in questions of restraints of trade was developed by the courts in suits on such contracts. But good will is no longer merely a local asset; it attaches to the goods themselves, however far they may travel from their point of origin.

Another development of national advertising is the standard price. A dollar for an Ingersoll watch and five cents for Uneeda biscuits are the prices known to every consumer. Fixed prices have made price-cutting profitable. This latest attack on good will is only one of the means used by the unfair trader to injure the good will of a well known product discussed by the author.

The book is essentially not a law book; it was written for business men. The style is clear and the subject matter entertaining, and the treatment is never technical. Yet the six *don'ts* given by the author as guiding stars in choosing a trade-mark—don't select a personal name, nor a geographical name, nor a descriptive name, nor a deceptive name, nor an infringing name, and finally, don't be commonplace—succinctly state the fundamental principles of our trade-mark law. Numerous illustrations show the kind of labels, *etc.*, which have been restrained as unfair, the original and the infringing trade-marks being shown.

Mr. Rogers' wide experience in trade-mark litigation well qualifies him to discuss his subject from the practical as well as theoretical side; and it is believed the book will be of great value to the profession, especially to the general practitioner who has not specialized on this subject. From the lawyer's point of view it is regrettable that the citations of the many cases discussed and illustrated are not given in foot notes; but perhaps this defect is a virtue, for the book is the most readable work on a legal subject the writer has come across, and the total absence of any of the *indicia* of the profession makes it all the more refreshing.

Charles L. Miller.

LIMITATIONS ON THE TREATY-MAKING POWER. By Henry St. George Tucker. Pp. xxi and 444. Boston: Little, Brown & Co., 1915.

The Constitution gives to the President and Senate the power to make treaties, but it does not define that power, it does not recite the subjects which may be dealt with under it as other clauses of the Constitution recite the subjects over which Congress has legislative powers, nor does it say that any restraints apply specifically to the treaty-making power. The clauses which deal with it specifically do not show how far the President and Senate may go in the exercise of their power. To answer this question requires further study; and it is to this study that Mr. Tucker's book is devoted.

The problems which are involved are important. May the President and Senate without the concurrence of the House of Representatives commit the United States to the making of appropriations? May they regulate the use of a state's institutions without the consent of that state? May they establish a religion—a power which is denied to Congress but which is not expressly denied to the treaty-making power? These and similar questions may arise at any time.

To aid in their solution Mr. Tucker presents a large amount of valuable material. He discusses the few cases that have come before the Supreme Court and shows that they do not mark off the extent of the power; that, for example, in Ware v. Hylton the court did not decide that the treaty invalidated the state law. His analysis of the case is masterly. He discusses those instances in which treaties have involved the making of appropriations by the federal government and shows that in those instances it has been necessary